bsb

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7958 OF 2007

Ajit Yashwant Joglekar ... Petitioner

V/s

The Central Excise Commissionerate Employees Co-op. Credit Society Ltd. & 2 ors. ... Respondents

Mr. R.S.Datar for the petitioner.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 29TH OCTOBER, 2007.

P.C.:

1. The petition challenges the order of the Industrial Court setting aside the judgment and order of the Labour Court dated 3.4.2006 in Complaint (ULP) No. 172 of 2004. The Industrial Court has remanded the complaint to the Labour Court for a fresh decision. The Industrial Court has rightly observed that under the M.R.T.U. & P.U.L.P. Act unless the misconduct proved against the workman is of a minor or technical nature, the Labour Court cannot interfere with the punishment imposed on the workman. The Labour Court has not given any clear finding as to whether any misconduct has been committed by the petitioner and, therefore, the

Industrial Court cannot be faulted for setting aside the order of the Labour Court. Besides, the Labour Court has not considered the issue of back wages and, therefore, the Industrial Court has rigthtly remanded the matter.

2. Petition rejected.

.....